

Message Text

CONFIDENTIAL

PAGE 01 USBERL 00103 01 OF 02 111531Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13
ACDA-07 SCA-01 VO-03 OMB-01 SAJ-01 /084 W
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FM USMISSION USBERLIN
TO AMEMBASSY BONN IMMEDIATE
INFO SECSTATE WASHDC 3779
AMEMBASSY BERLIN UNN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

CONFIDENTIAL SECTION 1 OF 2 USBERLIN 0103

EO 11652: GDS
TAGS: PFOR, PGOV, WB, GE, UR
SUBJ: ALLIED RESPONSE TO GDR MEASURES

REFS: A) USBERLIN 0075; B) USBERLIN 0065

1. FOLLOWING IS TEXT OF BRITISH IB REPORTING RECOMMENDATIONS OF MISSIONS ON POSSIBLE STATEMENT TO BE MADE BY CHAIRMAN POLAD TO SOVIET EMBASSY COUNSELLOR KHOTULEV:

BEGIN TEXT: (A) TREATMENT OF EASTERN NATIONALS IN WEST BERLIN

AS A RESULT OF RECENT SOVIET APPROACHES, THE ALLIES HAVE BEEN CONSIDERING THE PROBLEM OF STAYS BEYOND 31 DAYS AND THE QUESTION OF VISA REQUIREMENTS IMPOSED ON PRIVATE SOVIET AND EASTERN EUROPEAN VISITORS BY THE LAWS IN FORCE IN THE WESTERN SECTORS. THESE LAWS ALREADY PROVIDE SUCH PERSONS WITH OPPORTUNITIES TO MAKE SHORT VISITS TO THE WESTERN SECTORS WHICH

CONFIDENTIAL

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PAGE 02 USBERL 00103 01 OF 02 111531Z

ARE CONSIDERABLY MORE LIBERAL THAN THE OPPORTUNITIES WHICH EXISTED FOR PRIVATE CITIZENS OF ALLIED AND OTHER NATIONALITIES TO MAKE SHORT VISITS TO EAST BERLIN EVEN BEFORE THE BEGINNING OF THIS YEAR. THE ALLIES ACCORDINGLY WILL EXPECT SOVIET AND EASTERN EUROPEAN NATIONALS TO COMPLY FULLY WITH THE LAWS IN FORCE IN THE WESTERN SECTORS OF BERLIN, WHICH INCLUDE THE

REQUIREMENT FOR VISAS TO BE OBTAINED PURSUANT TO THE GERMAN PASSPORT LAW IN SITUATIONS OTHER THAN THOSE DEALT WITH IN BK/O(67)7. THE ALLIES WILL ALSO SHORTLY BE ISSUING AN AMENDMENT TO BK/O(78)7 WHICH WILL CLOSE THE LOOPHOLE RECENTLY UTILIZED BY CERTAIN SOVIET NATIONALS. FURTHERMORE, WE ARE REVIEWING THE IMPLEMENTATION OF THE SPECIAL VISITOR'S PERMIT PRIVILEGE ENJOYED BY PRIVATE RUSSIAN VISITORS. OPEN SQUARE BRACKETS THE CHAIRMAN POLAD COULD HERE RUN THROUGH THE VARIOUS PROCEDURES FOR SOVIET AND EAST EUROPEAN VISITORS IN THE WSB AND COVER THE MALEV POINT RAISED BY KHOTULEV ON 5 NOV.

(B) LIST OF GDR TRANSGRESSIONS:

AS YOU WILL BE AWARE FROM THE STATEMENT DELIVERED BY THE ALLIES ON----IN----WE ARE CONCERNED BY THE CUMULATIVE EFFECT OF RECENT GDR CLAIMS AND MEASURES AND HOPE THAT THE SOVIET AUTHORITIES SHARE OUR CONCERN ABOUT THIS APPARENT ATTEMPT BY THE EAST GERMANS TO ALTER THE STATUS OF EAST BERLIN AND TO ASSERT THEIR OWN COMPETENCE WITH RESPECT TO THAT STATUS. WE EXPECT THAT THE RUSSIANS WILL TAKE STEPS, IN THE EXERCISE OF THEIR OBLIGATIONS, TO PREVENT ANY FURTHER DRIFT IN THIS DIRECTION. IN PARTICULAR, AND IN ADDITION TO THE POINTS WHICH WERE MADE IN (----THE MAIN PROTEST) WE WOULD REFER THE SOVIET AUTHORITIES TO:

(A) UNACCEPTABLE GDR CLAIMS CONCERNING THE
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PAGE 03 USBERL 00103 01 OF 02 111531Z

QUADRIPARTITE AGREEMENT SUCH AS THE STATEMENT BY THE GDR MINISTRY OF FOREIGN AFFAIRS SPOKESMAN ON 31 DECEMBER. MITDANK HAS ALSO IN HIS MEETING WITH KUNZE UNACCEPTABLY ASSERTED THAT THE GDR HAS A NATURAL RIGHT TO POLICE THE QUADRIPARTITE AGREEMENT:

(B) OBSTRUCTIVE GDR POLICY OVER LOCAL QUESTIONS, IN WHICH THEY HAVE ATTEMPTED TO SECURE AGREEMENTS WITH LANGUAGE DESIGNED TO PREJUDICE THE LEGAL STATUS OF THE CITY (E.G., AS IN THE CASE OF THE SPANDAU LOCK AGREEMENT, THE TEXT OF WHICH WAS AGREED IN 1974 BUT WHICH THE GDR HAVE PERSISTENTLY SOUGHT TO CHANGE.)

(C) FREQUENT VIOLATIONS OF THE DEMILITARIZED STATUS OF EAST BERLIN:

(D) ABOVE ALL, AND MOST SERIOUSLY, IT HAS COME TO OUR ATTENTION THAT THE VERORDNUNGSBLATT FUER GROSS BERLIN HAS NOT BEEN PUBLISHED SINCE SEPTEMBER. THIS RAISES THE QUESTION OF WHETHER THE UEBERNAHME PROCEDURE

IS CONTINUING TO APPLY IN EAST BERLIN AS IT HAS IN
WSB SINCE THE FOUNDATION OF THE BUNDESTAG. THE ALLIED
AUTHORITIES WOULD VIEW ANY CHANGE IN THIS PROCEDURE
EXTREMELY SERIOUSLY. THEY WOULD LIKE AN ASSURANCE
FROM THE SOVIET AUTHORITIES THAT THE UEBERNAHME
PROCEDURE CONTINUES TO APPLY IN EAST BERLIN, AND THAT
THIS WILL BE REFLECTED IN THE CONTINUED PUBLICATION OF
THE VERORDNUNGSBLATT FUER GROSS BERLIN. END TEXT.

2. FOLLOWING IS TEXT OF DRAFT BK/O AMENDING BK/O(67)7
WHICH MISSIONS HAVE AGREED TO RECOMMEND TO EMBASSIES:

BEGIN TEXT: SUBJECT: RESIDENCE OF ALIENS

THE ALLIED KOMMANDATURA HEREBY ORDERS THAT BK/O(67)7
SHALL BE AMENDED AS FOLLOWS:
IN PARAGRAPH 2 (B) OF THE FRENCH TEXT THE WORDS
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PAGE 04 USBERL 00103 01 OF 02 111531Z

"DANS UN DELAI D'UN JOUR OUVRABLE APRES SON ARRIVEE"
SHALL BE REPLACED BY THE WORDS "IMMEDIATEMENT
APRES SON ARRIVEE".

BETWEEN PARAGRAPHS 2 AND 3 THERE SHALL BE INSERTED
THE FOLLOWING NEW PARAGRAPH:

"2 A. IF A PERSON WHO HAS STAYED IN THE WESTERN
SECTORS OF BERLIN IN ACCORDANCE WITH THE PROVISIONS OF
PARAGRAPH 2 ABOVE WISHES TO TAKE ADVANTAGE OF THEM AGAIN,

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PAGE 01 USBERL 00103 02 OF 02 111521Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

ACDA-07 OMB-01 SCA-01 VO-03 SAJ-01 /084 W

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OR 111407Z JAN 77

FM USMISSION USBERLIN

TO AMEMBASSY IMMEDIATE

INFO SECSTATE WASHDC 3780

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
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CONFIDENTIAL SECTION 2 OF 2 USBERLIN 0103

A PERIOD OF 60 DAYS MUST HAVE ELAPSED BETWEEN THE END
OF THE PREVIOUS STAY AND THE BEGINNING OF THE NEW ONE.
IN EXCEPTIONAL CASES THE APPROPRIATE SECTOR COMMANDANT
MAY AGREE, SUBJECT TO SUCH CONDITIONS AS HE THINKS FIT,
TO A SHORTENING OF THIS PERIOD."

THIS ORDER WILL BE TRANSMITTED TO THE GOVERNING MAYOR
FOR SUCH ACTION AS MAY BE NECESSARY IN RELATION TO IT
INCLUDING PUBLICATION IN ACCORDANCE WITH BK/O(64)4.

CHAIRMAN DEPUTY COMMANDANT
END TEXT.

3.3. FOLLOWING FOR EMBASSY'S INFORMATION IS DRAFT OF
COMPLEMENTARY CLASSIFIED BK/L WHICH MISSIONS ARE STILL
REVIEWING IN CONNECTION WITH ISSUANCES OF DRAFT BK/O:

BEGIN TEXT: SUBJECT: RESIDENCE OF ALIENS

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CONFIDENTIAL

PAGE 02 USBERL 00103 02 OF 02 111521Z

TO: THE GOVERNING MAYOR, BERLIN

DEAR GOVERNING MAYOR:

THE ALLIED KOMMANDATURA HAS TODAY ISSUED BK/O(77)----.
THE INTENTION OF THIS BK/O IS TO ENSURE THAT THE
RELEVANT PROVISIONS OF BK/O(67)7 ARE COMPLIED WITH BY
SOVIET NATIONALS AND NATIONALS OF CERTAIN OTHER
COMMUNIST COUNTRIES WHO CHOOSE TO TAKE ADVANTAGE OF
THE OPPORTUNITY PROVIDED BY THAT BK/O TO RESIDE IN THE
WESTERN SECTORS OF BERLIN FOR NOT MORE THAN 31 DAYS
WITHOUT OTHERWISE STATISFYING THE FORMAL REQUIREMENTS OF
THE LAW ORDINARILY APPLICABLE IN THE WESTERN SECTORS
OF BERLIN. BK/O(77)---- IS ALSO INTENDED TO PROVIDE THE
SECTOR COMMANDANTS WITH DISCRETIONARY AUTHORITY TO PERMIT
EXTENDED OR ADDITIONAL STAYS IN THE WESTERN SECTORS
WHEN SUCH STAYS ARE DEEMED TO BE IN THE INTERESTS OF
THE WESTERN SECTORS OF BERLIN.

THE ALLIED KOMMANDATURA WISHES TO TAKE THIS
OCCASION TO POINT OUT THAT THE CATEGORY "SOVIET OFFICIALS
AND PERSONS OFFICIALLY CONNECTED WITH THE SOVIET

AUTHORITIES IN BERLIN AND THEIR DEPENDENTS", RESIDENCE PROCEDURES FOR WHICH ARE DEALT WITH IN PARAGRAPH 5(A)(III) OF BK/L(67)15, INCLUDES SOVIET NATIONALS WHO ARE OFFICIALLY CONNECTED WITH THE SOVIET OCCUPATION AUTHORITIES IN BERLIN OR DEPENDENTS OF SUCH PERSONS. IT DOES NOT INCLUDE SOVIET NATIONALS WHO POSSESS A CONNECTION TO ANY OTHER SOVIET INSTITUTION OR OFFICE IN BERLIN SUCH AS THE SOVIET CONSULATE GENERAL OR THE SOVIET COMMERCIAL ESTABLISHMENTS IN THE WESTERN SECTORS OF BERLIN.

SOVIET NATIONALS WHO ARE NOT SOVIET OFFICIALS OR PERSONS OFFICIALLY CONNECTED WITH THE SOVIET AUTHORITIES IN BERLIN AS DESCRIBED ABOVE AND WHOSE

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PAGE 03 USBERL 00103 02 OF 02 111521Z

INTENDED STAY IS TO EXCEED 31 DAYS MUST CONTINUE TO SATISFY THE REQUIREMENTS OF GERMAN LAW, THE PROVISIONS OF PARAGRAPH 5(A)(V) OF BK/L(67)15, OR THE PROVISIONS OF BK/L(72)42 OR THEY MUST SEEK TO AVAL THEMSELVES OF THE DISCRETIONARY AUTHORITY OF THE APPROPRIATE SECTOR COMMANDANT UNDER BK/O(77)---- IN ORDER TO RESIDE IN THE WESTERN SECTORS OF BERLIN.

THE ALLIED KOMMANDATURA WISHES TO REITERATE THAT THE PRINCIPLE OF FREEDOM OF MOVEMENT WITHIN BERLIN CONTINUES TO BE IMPORTANT. NEITHER THIS INSTRUCTION NOR BK/O(77)---- IS INTENDED AS A BASIS, THEREFORE, FOR ATTEMPTING TO CONTROL ENTRY INTO THE WESTERN SECTORS FROM THE SOVIET SECTOR, AND IT SHOULD NOT BE SO REGARDED.

YOURS SINCERELY,

CHAIRMAN DEPUTY COMMANDANT
END TEXT.DAVIS

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Message Attributes

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